

## **REMARKS**

The Examiner has rejected Claims 12 and 22 under 35 USC 112.

Applicant has better defined how ambient temperature is measured. Support for this can be found in paragraphs 59 and 80 of the present invention.

Applicant has amended Claim 22 accordingly.

The Examiner has rejected Claims 1-4, 6, 8-9, 11-13, 21-26 as being obvious Wallace and Ridenour and Kennedy.

The Examiner has agreed with applicant that Wallace does not teach a two-way communication with a computer/computer readable median and that the alarm/display is on the body of the cow. The Examiner further agrees that Wallace does not teach to continuously measure the temperature.

The Examiner has added Ridenour to teach that a two-way communication can be used and the Examiner has used Kennedy to disclose continuously monitoring temperature.

Kennedy specifically states in the Background of the Invention that "attempts have been made to detect temperature changes by a measuring device attached to the ear skin of the animal (this is the device taught by Wallace) however, it has not been proven that ear skin temperature can be used to effectively detect estrus".

Therefore, one cannot combine Kennedy and Wallace since Kennedy teaches not to use the device taught in Wallace. Further, as previously stated since Ridenour teaches a device wrapped around the tail of the animal and does

not measure internal temperature, again Kennedy would teach against using such a device. There is no teaching to combine any of the references and in fact, there are teachings away from combining the references.

Applicant has amended Claim 4 to state wherein information from said implantable temperature device is used for accumulation of temperature trends for an entire herd of dairy cows. The combination of prior art does not teach this element of the claim.

The Examiner has not addressed any of the elements of Claims 23-26. In none of the references does the processor transmit a health check up message as required by Claim 23. Further, none of the references teach interpreting the temperature fluctuations of a particular animal using a temperature algorithm over a particular period of time as required by Claim 24. None of the references teach creating a temperature trend for a particular animal over an extended period of time as required by Claim 25. And further, none of the references teach comparing a particular animal's temperature information with a standardized animal's temperature fluctuation as required by Claim 26.

For all of these reasons, the above claims are not obvious over the prior art.

With regards to Claim 5, for the reasons stated above, this claim is not obvious over the prior art.

With regards to Claim 7, the Examiner had previously stated that the Bluetooth wireless protocol would be allowable.

Applicant believes that the application is now in condition for allowance.

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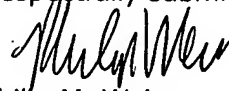
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